

Filed for intro on 02/06/95
Senate Bill _____
By _____

House No. HB0745
By Turner

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AN ACT to amend Tennessee Code Annotated, Title 62, Chapter 4, relative to the Tennessee Cosmetology Act of 1986.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 62-4-102(a)(1)(A), is amended by deleting the language “upon the body”.

SECTION 2. Tennessee Code Annotated, Section 62-4-102(a)(3), is amended by adding the following language after the word “practices”:

usually performed by cosmetologists, including work done for pay, free, or otherwise, by any person, which work is usually performed by cosmetologists

SECTION 3. Tennessee Code Annotated, Section 62-4-102(a)(3)(A), is amended by adding after the word and punctuation “coloring,” the words and punctuation “braiding, hair weaving,”.

SECTION 4. Tennessee Code Annotated, Section 62-4-102(a), is amended by deleting subdivision (5) in its entirety and by substituting instead the following:

(5) “Instructor trainee” means any person who holds a valid cosmetologist’s license issued by the board and has completed one (1) year of practice in a shop and is engaged in a board-approved course in instructor training of at least six hundred (600) hours to be completed within eighteen (18) months;

SECTION 5. Tennessee Code Annotated, Section 62-4-102(a), is amended by adding a new subdivision thereto, as follows:

() “Shampooing” means brushing, shampooing, rinsing, and conditioning upon the hair and scalp;

SECTION 6. Tennessee Code Annotated, Section 62-4-108, is amended by deleting the language and punctuation “cosmetology or aesthetics” and by substituting instead the language and punctuation “cosmetology, manicuring or aesthetics”.

SECTION 7. Tennessee Code Annotated, Section 62-4-110(b)(2), is amended by deleting the words and figure “three hundred (300) hours” and by substituting instead the words and figure “six hundred (600) hours”.

SECTION 8. Tennessee Code Annotated, Section 62-4-110(c)(2), is amended by deleting the language and punctuation “three hundred (300) hours within a period of six (6) months as an instructor trainee,” and by substituting instead the language and punctuation “six

hundred (600) hours to be completed within eighteen (18) months after completion of one (1) year of practice in a cosmetology shop”.

SECTION 9. Tennessee Code Annotated, Section 62-4-110, is amended by adding a new subsection thereto, as follows:

(e) Any person who desires a license to practice shampooing only shall submit an application for examination to the board on the prescribed form. The application shall be accompanied by:

(1) A nonrefundable, nontransferable application/examination fee as set by the board; and

(2) Satisfactory proof that the applicant has attained the age of at least sixteen (16) years, and has completed and passed a course of instruction of not less than three hundred (300) hours in the practice and theory of shampooing at a school of cosmetology.

SECTION 10. Tennessee Code Annotated, Section 62-4-114(a), is amended by deleting subdivision (1) in its entirety and by substituting instead the following:

(1) To maintain an active instructor’s license, an instructor shall every two (2) years submit to the board satisfactory proof that the instructor has attended a board-approved instructor training program in cosmetology for a minimum of twenty-four (24) hours. Persons obtaining an initial instructor’s license shall attend a board-approved instructor training program in cosmetology after receiving such licenses.

SECTION 11. Tennessee Code Annotated, Section 62-4-114, is amended by adding a new subsection thereto, as follows:

() Any cosmetology instructor who is age sixty-five (65) or older with at least fifteen (15) years of work experience as an instructor is exempt from the twenty-four (24) hours of continuing education required by this chapter.

SECTION 12. Tennessee Code Annotated, Section 62-4-116, is amended by deleting the language “of fifty dollars (\$50.00)” and by substituting instead the language “as set by the board”.

SECTION 13. Tennessee Code Annotated, Section 62-4-116(1), is amended by deleting the language and punctuation “, the District of Columbia, territory, or foreign country,” and by substituting instead the language and punctuation “or the District of Columbia,”.

SECTION 14. Tennessee Code Annotated, Section 62-4-117, is amended by deleting subsection (a) in its entirety and by substituting instead the following:

(a) All cosmetologist, aesthetician, manicurist and instructor licenses shall expire on the anniversary date of such licenses and shall be invalid on that date unless renewed.

SECTION 15. Tennessee Code Annotated, Section 62-4-117, is amended by deleting subsection (d) in its entirety and by substituting instead the following:

(d) A license which has lapsed for three (3) years or longer shall not be reinstated, unless the applicant passes the state law and practical examination.

SECTION 16. Tennessee Code Annotated, Section 62-4-118, is amended by deleting subdivision (h) in its entirety and by substituting instead the following:

(h) All licenses to operate a shop shall expire on the anniversary date of such licenses.

SECTION 17. Tennessee Code Annotated, Section 62-4-118, is further amended by deleting subsection (l) in its entirety.

SECTION 18. Tennessee Code Annotated, Section 62-4-120(d)(1)(A), is amended by deleting the word and figure “twenty (20)” and by substituting instead the word and figure “twenty-five (25)”.

SECTION 19. Tennessee Code Annotated, Section 62-4-120(b)(4), is amended by deleting the language “transferring from another school, instructor trainees, or junior instructors”

and by substituting instead the language “transferring from another school or instructor trainees”.

SECTION 20. Tennessee Code Annotated, Section 62-4-120(d)(1), is amended by deleting subdivision (B) in its entirety and by substituting instead the following:

(B) Two (2) licensed instructors where the enrollment is more than twenty-five (25) but less than fifty (50) students.

SECTION 21. Tennessee Code Annotated, Section 62-4-120(d)(1), is further amended by deleting subdivision (C) in its entirety and by substituting instead the following:

(C) One (1) additional licensed instructor for each additional enrollment of twenty-five (25) students (or fraction thereof).

SECTION 22. Tennessee Code Annotated, Section 62-4-120(d)(2), is amended by deleting the language and punctuation “, or junior instructor”.

SECTION 23. Tennessee Code Annotated, 62-4-120(d), is amended by deleting subdivision (3) in its entirety.

SECTION 24. Tennessee Code Annotated, 62-4-120(f), is amended by deleting subdivision (1) in its entirety and by substituting instead the following:

(1) If a new school passes the required inspection, the board shall issue a license to operate such school. A new school shall be closed to the public for ninety (90) days.

SECTION 25. Tennessee Code Annotated, 62-4-120 is amended by adding a new subsection thereto, as follows:

(j) Each school shall be responsible for a teach-out for all its students upon closure of the school, or payment to another school for the remainder of each student’s education.

SECTION 26. Tennessee Code Annotated, 62-4-122(a), is amended by deleting subdivision (2) in its entirety and by substituting instead the following:

(2) Has completed and passed at least two (2) years of high school or received at least a score of thirty-eight percent (38%) on the G.E.D. examination. Public and vocational schools are exempt from this section.

SECTION 27. Tennessee Code Annotated, 62-4-122, is amended by deleting subsection (b) in its entirety and by substituting instead the following:

(b) There shall be at least one (1) licensed instructor on the premises whenever a cosmetology school, or a public high school or a state vocational technical school offering cosmetology courses, is in operation.

SECTION 28. Tennessee Code Annotated, 62-4-123, is amended by deleting such section in its entirety.

SECTION 29. Tennessee Code Annotated, 62-4-127(b), is amended by deleting subdivision (4) in its entirety and by substituting instead the following:

(4) The sale or distribution of wine, beer, liquor, or any alcoholic beverages or drugs on the premises of any cosmetology, manicuring, or aesthetics establishment.

SECTION 30. Tennessee Code Annotated, Section 62-4-127(b), is amended by adding a new subdivision thereto, as follows:

() Failure to comply with a lawful order of the board;

SECTION 31. This act shall take effect upon becoming a law, the public welfare requiring it.